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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 27, 2006 Signature:   
(Rebecca Butler-Guinan)

Docket No.: 53086-00704USPT  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
John Liccione et al.

Application No.: 10/657561

Confirmation No.: 3308

Filed: September 9, 2003

Art Unit: 2114

For: **SYSTEM AND METHOD FOR  
APPLICATION MONITORING AND  
AUTOMATIC DISASTER RECOVERY FOR  
HIGH-AVAILABILITY**

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application in accordance with 37 CFR 1.98(a)(2). Applicant submits herewith copies of any cited non-patent documents and foreign patent documents in accordance with 37 CFR 1.98(a)(2).

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In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Our check in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 10-0447, under Order No. 53086-00704USPT. A duplicate copy of this paper is enclosed.

Dated: July 26, 2006

Respectfully submitted,

By 

Ross T. Robinson

Registration No.: 47,031

JENKENS & GILCHRIST, A PROFESSIONAL  
CORPORATION

1445 Ross Avenue, Suite 3700

Dallas, Texas 75202

(214) 855-4500

Attorneys For Applicant



<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/657561
				Filing Date	September 9, 2003
				First Named Inventor	John Liccione
				Art Unit	2114
				Examiner Name	Assessor, Brian J.
Sheet	1	of	2	Attorney Docket Number	53086-00704USPT

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number-Kind Code <sup>2</sup> (if known)		
	A1*	US-6,671,724	12-30-2003	Pandya et al.
	A2*	US-2003/0050984	03-13-2003	Pickup et al.
	A3*	US-2003/0157947	08-21-2003	Fiatal et al.
	A4*	US-2002/0107958	08-02-2002	Faraldo, II
	A5*	US-20050003807-A1	01-06-2005	Rosenfelt et al.
	A6*	US-20040153713-A1	08-05-2004	Aboel-Nil et al.
	A7*	US-6,857,009	02-15-2005	Ferreria et al.
	A8*	US-20050009502-A1	01-13-2005	Little et al.
	A9*	US-20050120229-A1	06-02-2005	Lahti
	A10*	US-20050102074-A1	05-12-2005	Kolls
	A11*	US-6,957,248-A1	10-18-2005	Quine et al.
	A12*	US-20040235503-A1	11-25-2004	Koponen et al.
	A13*	US-6,557,036	04-29-2003	Kavacheri et al.
	A14*	US-20030157947-A1	08-21-2003	Fiatal et al.
	A15*	US-20030050984-A1	03-13-2003	Pickup et al.
	A16*	US-20020107958-A1	08-08-2002	Faraldo
	A17*	US-6,920,579	07-19-2005	Cramer et al.
	A18*	US-6,202,169	03-13-2001	Razzaghe-Ashrafi et al.
	A19*	US-5,608,865	03-04-1997	Midgely et al.
	A20*	US-6,378,129	04-23-2002	Zetts
	A21*	US-20020138612-A1	09-26-2002	Sekizawa
	A22*	US-6,820,214	11-16-2004	Cabrera et al.
	A23*	US-6,651,077	11-18-2003	East et al.
	A24*	US-6,578,041	06-10-2003	Lomet
	A25*	US-6,948,104-A1	09-20-2005	Herley et al.
	A26*	US-6,851,073	02-01-2005	Cabrera et al.

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	†6
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
	B1	WO-01/67261	09-13-2001	Sun Microsystems, Inc.	
	B2	WO-01/30130	05-03-2001	Nomadix, Inc.	

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>

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Examiner Signature		Date Considered	
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				Examiner Name	Assessor, Brian J.
Sheet	2	of	2	Attorney Docket Number	53086-00704USPT

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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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